

Exhibit 3

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Edward Butowsky,

Plaintiff,

v.

Michael Gottlieb, et al.,

Defendants

Case No. 4:19-cv-180

DECLARATION OF EDWARD BUTOWSKY

My name is Edward Butowsky, I am greater than 18 years of age, and I am competent to testify. I testify as follows based on my own personal knowledge, under penalty of perjury under the laws of the United States of America, and as witnessed by my signature below:

1. In December of 2016 I was contacted by a friend, Ellen Ratner, who said she had recently met with Julian Assange in London, England. Mr. Assange is the founder of Wikileaks. According to Ms. Ratner, Mr. Assange wanted to relay information to Joel and Mary Rich regarding the murder of their son Seth. In particular, she said Mr. Assange wanted to let the Riches know that Seth had leaked emails from the Democratic National Committee (“DNC”) to Wikileaks, and that might have been a motive for his murder.

2. Shortly thereafter, I made contact with Joel Rich by telephone and I told him what reportedly had been said by Mr. Assange. Mr. Rich acted unsurprised and told me that he knew his “sons” were involved in leaking emails from the DNC to Wikileaks.

3. In their lawsuit against me in the Southern District of New York, Joel and Mary Rich alleged the following:

In December 2016, Joel and Mary spoke by phone with Butowsky. Butowsky told Joel and Mary that he had heard second-hand that Julian Assange said WikiLeaks received the DNC emails from Seth. Joel and Mary assured Butowsky there was no way that was true.

ORIGINAL COMPLAINT (Doc. No. 1)(hereinafter “RICH COMPLAINT”), *Joel and Mary Rich*

v. Fox News Network, LLC, et al., Case No. 1:18-cv-02223-GBD (S.D.N.Y.) (attached as an exhibit to DEFENDANT SUSMAN GODFREY'S MOTION TO DISMISS). The foregoing paragraph is false. Only Joel Rich was on the phone, and neither he nor his wife disputed what I relayed from Mr. Assange. On the contrary, Mr. Rich corroborated it.

4. During subsequent media interviews, I initially stated that Joel and Mary Rich denied that their sons were involved in leaking emails to Wikileaks. My statements to the media at that time were false, and I made the false statements because Joel Rich asked me not to let the public know that Seth Rich was involved in the leaks. Specifically, he told me that he did not want the public to know that his son was responsible for getting Donald Trump elected President. I honored his request until he and his wife betrayed me by publicly attacking me and filing suit against me. Likewise, I initially protected the identity of Ellen Ratner after she relayed the information from Julian Assange. She subsequently made false statements about me in unrelated litigation, so I no longer felt any obligation to protect her, either.

5. On or about November 14, 2018, I was allowed to listen to a phone conversation between Julian Assange and a third party. During that conversation, Mr. Assange discussed how Seth Rich and Aaron Rich had transferred emails to Wikileaks and received payment in return.

6. In a press release dated March 14, 2018, two law firms and a political consulting firm announced that the RICH COMPLAINT had been filed against me. A true and correct copy of that press release is attached as an exhibit to this declaration. The opening sentence reads as follows: "Massey & Gail LLP, Susman Godfrey LLP and The Pastorum Group announced today that on behalf of Joel and Mary Rich, the grieving parents of a murdered child, they have brought a suit against Fox News, reporter Malia Zimmerman and contributor Ed Butowsky, seeking justice for the Riches for having become collateral damage in a political war to which they are innocent bystanders" (emphasis added). I found it highly unusual for a political consulting firm, *i.e.*, The Pastorum Group, to announce that it was filing a lawsuit on behalf of the Riches. Brad Bauman is a partner in The Pastorum Group, and he was listed as the media contact on the press release.

7. Shortly after my original phone conversation with Joel Rich, he informed me that Mr. Bauman was "assigned" to the Rich family by the DNC. Mr. Bauman frequently appeared as a spokesman for the Rich family, to include Aaron Rich. According to his firm's website, <https://www.thepastorumgroup.com/>, he and his partners provide communications and consulting services to left-wing candidates and causes.

8. About two months after helping organize Joel and Mary Rich's lawsuit against me, Mr. Bauman filed his own lawsuit against me. His lawsuit was nothing short of ridiculous, and it was dismissed on March 29, 2019 for failure to state a claim. *See*

Bauman v. Butowsky, CV 18-01191 (RJL), 377 F.Supp.3d 1, 2019 WL 1433595 (D.D.C. Mar. 29, 2019).

9. Based on the foregoing facts, it appears that Mr. Bauman has been coordinating a defamation and bad-faith litigation campaign against me in order to discredit and silence me or anyone else who questions the circumstances surrounding Seth Rich's murder. Since he filed suit against me himself, and since he admitted that he had a role in organizing Joel and Mary Rich's lawsuit against me, I concluded that he was also responsible for organizing the lawsuit filed by the only other member of the Rich family, *i.e.*, Aaron Rich. In other words, I believe Mr. Bauman was responsible for recruiting Michael Gottlieb, Meryl Governski, and Boies Schiller Flexner, LLP to file suit against me on behalf of Aaron Rich.

10. In Exhibits 11 and 12 to their motion for sanctions against me, Defendants Gottlieb, Governski, and Boies Schiller Flexner, LLP attached purported correspondence with attorneys representing Julian Assange. I had never seen this correspondence until after my SECOND AMENDED COMPLAINT was filed, and I find it wholly unpersuasive. For nearly 17 months, the Boies Schiller Defendants have been offering excuses for why they cannot serve a subpoena on Julian Assange or Wikileaks. They have indeed tried to make it appear that they are trying to serve Mr. Assange and Wikileaks with subpoenas, but their efforts are a sham. More than a year ago, my attorney notified the Boies Schiller Defendants that the U.S. District Court for the District of Columbia (where their client's case against me is pending) had authorized service of a lawsuit on Wikileaks via Twitter. Rather than attempt to serve Mr. Assange or Wikileaks via Twitter, however, Defendant Gottlieb filed a bar grievance accusing my attorney of unauthorized practice of law in D.C. To this day, the Boies Schiller Defendants have never sought permission to serve Mr. Assange or Wikileaks via Twitter, ergo they are not serious about serving subpoenas on Mr. Assange or Twitter.

Today's date is October 25, 2019.

THE DECLARANT SAYS NOTHING FURTHER.



Ed Butowsky